

TEXT OF PROPOSED REGULATIONS

All text is underlined because these are new adopted articles

Subchapter 6. Adult Parole

Article 19. PAROLE VIOLATIONS AND REPORTS

Under Article 19, new Sections 3769, 3769.1, 3769.2, 3769.3, 3769.4 and 3769.5 are adopted to read:

3769. Parole Reentry Court Program.

(a) As part of the parole reentry accountability program for parolees established under Penal Code section 3015, the Reentry Court Program (RCP) operates under an established memorandum of understanding between the Administrative Office of the Court and the California Department of Corrections and Rehabilitation (department). The RCP is designed to promote public safety, hold parolees accountable for their behavior, and reduce recidivism.

(b) Under the RCP, services that may be provided to program participants include but are not limited to:

(1) Substance abuse and addiction treatment.

(2) Residential housing.

(3) Individual/group counseling.

(4) Vocational training.

(5) Anger management.

(6) Intensified supervision.

(c) For the purpose of sections 3769 – 3769.6, the following terminology is defined:

(1) Reentry court program team is defined as the parole agent, representatives from county probation, the district attorney's office, court, and treatment provider.

(2) History of substance abuse is defined as a documented arrest history related to criminal use or possession of a controlled substance, to include alcohol.

(3) History of mental illness is defined as a documented history of any mental illness as determined by a psychiatrist, psychologist, or social worker licensed by the State to make those determinations.

(4) Reentry Court is defined as a county superior court authorized by an agreement with the department to participate in the reentry court program.

(5) Dual Jurisdiction is defined as a situation in which a parolee with a current sentence under the jurisdiction of the department also has a new sentence pending before the court and/or is currently on local probation.

(6) Deputy Commissioner is defined as an official with the Board of Parole Hearings responsible for adjudicating parole revocation cases.

(7) Reentry Parole Agent is defined as a parole agent with the department who is assigned to assist in the administration of the reentry court program.

(8) Reentry Court Judge is defined as a judge assigned to the participating reentry court program who is responsible for the judicial oversight of parolees in the program.

(9) Referral Packet is defined as the package of reports, forms and supporting documents compiled by the department that is required for referral of a parolee into the reentry court program.

Note: Authority cited: Section 5058, Penal Code. Reference Sections 3015 and 5054, Penal Code.

3769.1. Reentry Court Program Eligibility Criteria.

(a) To be eligible for the Reentry Court Program (RCP) a parolee must meet all of the following eligibility criteria:

(1) Parolees must have been sentenced to a term of imprisonment under Penal Code section 1170 and released from an institution or facility to a period of parole supervision.

(2) Parolees must have a documented history of substance abuse or mental illness.

(3) Parolees must violate their conditions of parole.

(b) A parolee who meets the above criteria may be referred by his or her parole agent for participation in the RCP pursuant to section 3769.3.

Note: Authority cited: Section 5058, Penal Code. Reference Sections 1170, 3015 and 5054, Penal Code.

3769.2. Reentry Court Program Exclusionary Criteria.

(a) The following offenders are excluded from participating in the Reentry Court Program (RCP):

(1) Parolees required to register as a sex offender pursuant to the provisions of Penal Code section 290 through 290.023, inclusive.

(2) Parolees subject to supervision via Global Positioning System monitoring as provided in section 3560.

(3) Parolees subject to non-revocable parole pursuant to section 3505.

(4) Any exclusionary criteria established by the participating RCP county.

Note: Authority cited: Section 5058, Penal Code. Reference Sections 290 through 290.023, 3015 and 5054, Penal Code.

3769.3. Participation in the Reentry Court Program.

(a) Parolees who meet the eligibility criteria provided in section 3769.1 and who are not otherwise excluded as provided for in section 3769.2 may participate in the Reentry Court Program (RCP) if one of the following referrals is made:

(1) The RCP judge may refer a parolee who is under the dual jurisdiction of the department and local probation, or who is currently on parole and facing new criminal charges that may result in a new conviction and subsequent return to prison.

(2) A Deputy Commissioner may refer a parolee who commits a violation of parole to the RCP as a remedial sanction. The Parole Violation Decision Making Instrument shall be utilized in making a determination whether to refer the parolee, pursuant to the provisions of sections 3768 through 3768.3.

(3) Parole Agents may refer directly to the RCP a parolee who commits a violation of parole which is not subject to mandatory referral to the Board of Parole Hearings pursuant to section 2616. A parolee referred under this subsection shall:

(A) Waive his or her right to a revocation hearing by signing a CDCR Form 1420 (Rev. 08/10), Placement Acknowledgement Waiver, which is incorporated by reference.

(B) Sign the CDCR Form 1515-RCP (12/10), Reentry Court Program Special Conditions of Parole, which is incorporated by reference.

Note: Authority cited: Section 5058, Penal Code. Reference Sections 3015 and 5054, Penal Code.

3769.4. Parole Agent Responsibilities - Reentry Court Program.

(a) The reentry parole agent will work as part of the Reentry Court Program (RCP) team. Reentry parole agent duties shall include, but not be limited to the following:

(1) Attend RCP team meetings at least once per week.

(2) Present referral packets to the RCP team for review.

(3) Obtain any additional parole casework information requested by the RCP team.

(4) Act as liaison between the reentry court and other divisions and programs within the department.

Note: Authority cited: Section 5058, Penal Code. Reference Sections 3015 and 5054, Penal Code.

3769.5. Processing Violations of Parole – Reentry Court Program.

(a) Any new violation of parole will be transmitted in accordance with the provisions of sections 3768.3. The alleged violation shall be referred to the Reentry Court Program in accordance with the provisions of subsection 3768.2(a)(5). The authority to place a parole hold on an alleged parole violator shall be retained by the department.

(b) The reentry parole agent will submit a summary of charges for any new violation of parole to the reentry court judge for review and disposition. Within two business days of a reentry court parolee being placed into custody, the reentry parole agent shall coordinate with the reentry court judge to determine if the parolee shall remain in, or be terminated from, the reentry court program.

Note: Authority cited: Section 5058, Penal Code. Reference Sections 3015 and 5054, Penal Code.

3769.6. Processing Absconders from Parole – Reentry Court Program.

(a) In the event a parolee is determined to have absconded from Reentry Court Program (RCP) supervision, the violation shall be reported to the Board of Parole Hearings (BPH) and processed pursuant to the provisions for the suspension of parole and issuance of a warrant in Title 15, Division 2, sections 2711 and 2731.

(b) When an absconding RCP parolee is located, the parolee shall be detained in a county jail pursuant to a parole hold pending the parolee's appearance before the RCP judge on the absconding charge.

(c) In the event the BPH acted to suspend the absconder's parole, the Reentry Parole Agent shall, upon being advised that the parolee is in custody, initiate the process for reinstatement of parole.

(d) Pursuant to PC section 3015, the RCP judge has exclusive authority to hear and adjudicate the absconding charge. If the RCP judge chooses to terminate the parolee's participation in the RCP, the BPH shall retain the authority to hear the charge and determine appropriate sanctions.

Note: Authority cited: Section 5058, Penal Code. Reference Sections 3015 and 5054, Penal Code.